

# **STATE LICENSING BOARD FOR CONTRACTORS**

## **COMMERCIAL BOARD**

### **MEETING MINUTES**

**October 17, 2019**

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, October 17, 2019 at 9:32 a.m. at 600 North Street, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- William J. Cloutre, Vice Chairman
- Lloyd "Chip" Badeaux
- Brian J. Bordelon
- Nelson A. "Andy" Dupuy, Jr.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Jaclyn S. Hotard
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Elliott Temple
- Victor Weston

Members N.R. "Noah" Broussard, Danny R. Graham, Christopher N. Stuart, and Byron Talbot were absent. Finding a quorum present, the regular order of business began.

Also attending the meeting were: Michael B. McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Brent Templet, Elaine Riggins, Lowana Cola, Monica Davis and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Jessie Wells, Steve Chiasson, Dylan Bourg, Scott Corley, William Collins; and Tarah Revette recording the minutes.

Mr. Jones led the members and audience in the Pledge of Allegiance.

Judge Darrell White gave the invocation, introduced himself, and advised those present of his duties.

Mr. Lambert made a motion to accept the Minutes of the **October 17, 2019** regular meeting. Mr. Weston seconded. The motion passed.

#### **PUBLIC COMMENT**

Gillis McCloskey with Quality Labor Management LLC requested to address the board. Mr. McCloskey addressed the board regarding the Specialty: Furnishing Labor Only classification and the licensing process regarding this classification of work. The board questioned Mr. Hassert regarding this matter. The board responded to Mr. McCloskey's comments.

#### **NEW BUSINESS**

Leann Evans and Brad Hassert with the Compliance Department were sworn in.

#### **D. JUDGMENTS:**

1. **S & E PLUMBING, LLC AND MICHAEL TODD COLE**, Denham Springs, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 707 of the Board's Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of S & E PLUMBING, LLC AND MICHAEL TODD COLE. Ms. Evans reviewed the exhibit packet and provided testimony for the Board. Mr. Landreneau entered the exhibit packet into evidence and it was

admitted. Mr. Meredith made a motion to find S & E PLUMBING, LLC AND MICHAEL TODD COLE to be in violation, to give the company and Mr. Cole 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the company's license and qualifying party status of Mr. Cole will be automatically suspended by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the company's license and/or the qualifying party status of Mr. Cole being automatically suspended by staff. If at any time the company's license and/or the qualifying party status of Mr. Cole is suspended by staff related to this matter, staff can reinstate the license and/or the qualifying party status of Mr. Cole after the judgment has been paid in full. Mr. Weston seconded. The motion passed.

2. **CHARTER SOUTH, INC.**, Birmingham, Alabama – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 707 of the Board's Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of CHARTER SOUTH, INC. Ms. Evans reviewed the exhibit packet and provided testimony for the Board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Gallo made a motion to find CHARTER SOUTH, INC. to be in violation, to give the company 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically suspended by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the license being automatically suspended by staff. If at any time the license is suspended by staff related to this matter, staff can reinstate the license after the judgment has been paid in full. Mr. Weston seconded. The motion passed.

3. **LARRY HERMANN QUALIFYING PARTY FOR ATLAS KITCHEN & BATHS L.L.C.**, Harahan, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 707 of the Board's Rules and Regulations

Ms. Evans gave a summary of the allegations. Larry Hermann was present on behalf of LARRY HERMANN QUALIFYING PARTY FOR ATLAS KITCHEN & BATHS L.L.C. and was sworn in. Mr. Hermann gave a statement to the board. Ms. Evans reviewed the exhibit packet and provided testimony for the Board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Hermann. Mr. Hermann gave an additional statement to the board. Mr. Dupuy made a motion to find LARRY HERMANN QUALIFYING PARTY FOR ATLAS KITCHEN & BATHS L.L.C. to be in violation, to give Mr. Hermann 90 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 90 days, the qualifying party status of Mr. Hermann will be automatically suspended by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the qualifying party status being automatically suspended by staff. If at any time the qualifying party status is suspended by staff related to this matter, staff can reinstate the qualifying party after the judgment has been paid in full. Mr. Fenet seconded. The motion passed.

#### E. COMPLIANCE HEARINGS:

1. a) **COUNTRY'S ELECTRIC & TESTING LLC**, Denham Springs, Louisiana – La. R.S. 37:2158(A)(4)
- b) **EMPIRE TRADING COMPANY LLC**, Baton Rouge, Louisiana – La. R.S. 37:2163(A)(4)
- c) **A-O-K PROPERTIES, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by COUNTRY'S ELECTRIC & TESTING LLC; EMPIRE TRADING COMPANY LLC and A-O-K PROPERTIES, LLC. After discussion, Mr. Lambert made a motion to accept the settlement offers for all three companies as presented, which all offers included a no contest plea. Mr. Meredith seconded. The motion passed.

2. a) **SODEXO CONSTRUCTION, INC.**, Bowling Green, Kentucky – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by SODEXO CONSTRUCTION, INC. After discussion, Mr. Badeaux made a motion to accept

the settlement offer as presented, which included a no contest plea. Mr. Weston amended the motion to accept the settlement offer as presented, which included a no contest plea, and to also have staff notify the company that the board will not accept settlement offers from the company in the future. Mr. Badeaux accepted the amendment to his motion. Mr. Temple seconded. The motion passed.

- b) **TONY TEER D/B/A TONY TEER CONSTRUCTION**, Robeline, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Tony Teer was present on behalf of TONY TEER D/B/A TONY TEER CONSTRUCTION and was sworn in. Mr. Teer entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Dupuy seconded. The motion passed. Mr. Hassert provided testimony to the board. Mr. Teer gave a statement to the board. Investigator William Collins was called to the stand and was sworn in. Mr. Collins reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Teer. Mr. Teer gave an additional statement to the board. The board questioned Mr. Teer. Mr. Weston made a motion to assess an administrative penalty of a \$500 fine plus \$500 in administrative costs. Mr. Dupuy seconded. The motion passed.

3. a) **SHAWN ROBINSON CONSTRUCTION, INC.**, West Monroe, Louisiana – La. R.S. 37:2158(A)(4)  
b) **SHINN BUILDINGS LLC**, Albuquerque, New Mexico – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by SHAWN ROBINSON CONSTRUCTION, INC. and SHINN BUILDINGS LLC. Mr. Temple made a motion to accept both settlement offers as presented, which both included a no contest plea. Ms. Hotard seconded. The motion passed.

4. a) **ARCO BUILDERS, INC.**, West Monroe, Louisiana – La. R.S. 37:2158(A)(4)  
b) **JIM ALEXANDER D/B/A JIMS REFRIGERATION**, Oak Grove, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by ARCO BUILDERS, INC. and JIM ALEXANDER D/B/A JIMS REFRIGERATION. Mr. Dupuy made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Lambert seconded. The motion passed.

5. a) **ACADIANA CONSTRUCTORS, INC.**, Baton Rouge, Louisiana – La. R.S. 37:2158(A)(4)  
b) **TOVAR CONSTRUCTION LLC**, Sorrento, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by ACADIANA CONSTRUCTORS, INC. and TOVAR CONSTRUCTION LLC. Mr. Temple made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Gallo seconded. The motion passed.

6. a) **E. CORNELL MALONE CORPORATION**, Hattiesburg, Mississippi –La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by E. CORNELL MALONE CORPORATION. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- b) **HC, INC.**, Pope, Mississippi – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by HC, INC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Weston seconded. The motion passed.

7. a) **CDX CONSTRUCTION LLC**, Covington, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by CDX CONSTRUCTION LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Meredith seconded. The motion passed.

- b) **BLANCEA ENTERPRISE LLC**, Kenner, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of BLANCEA ENTERPRISE LLC. Investigator Dylan Bourg was called to the stand and was sworn in. Mr. Bourg reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Meredith made a motion to find BLANCEA ENTERPRISE LLC to be in violation. Mr. Lambert seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Jones seconded. The motion passed.

8. a) **P.I. ROOF MAINTENANCE, INC.**, North Little Rock, Arkansas – La. R.S. 37:2158(A)(4)

- b) **ALL SPEC ROOF CORP.**, Little Rock, Arkansas – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by P.I. ROOF MAINTENANCE, INC. and ALL SPEC ROOF CORP. Mr. Meredith made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Bordelon seconded. The motion passed.

9. a) **RTF PROJECT SERVICES, LLC**, Lecompte, Louisiana – La. R.S. 37: 2158(A)(5)

Ms. Evans gave a summary of the allegations. Frankie Rasberry was present on behalf of RTF PROJECT SERVICES, LLC and was sworn in. Mr. Rasberry entered a plea of admission. Mr. Lambert made a motion to accept the plea. Mr. Dupuy seconded. The motion passed. Investigator Scott Corley was called to the stand and was sworn in. Mr. Corley reviewed the exhibit packet and provided testimony to the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Rasberry. Mr. Rasberry gave a statement to the board. Mr. Corley provided additional testimony to the board. Mr. Weston made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Jones seconded. The motion passed with opposition from Mr. Fenet.

- b) **JOHNSON ROOFING COMPANY LLC**, Neosho, Missouri – La. R.S. 37:2160(A)(1)

- c) **PYRAMID CENTRAL ROOFING, L.L.C.**, Fort Smith, Arkansas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by JOHNSON ROOFING COMPANY LLC and PYRAMID CENTRAL ROOFING, L.L.C. Mr. Lambert made a motion to deny both settlement offers as presented. Mr. Dupuy seconded. The motion passed.

10. **RANDY LEE PIWETZ D/B/A ABITA AIR**, Covington, Louisiana – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by RANDY LEE PIWETZ D/B/A ABITA AIR. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

11. a) **JAMES ENTERPRISE, LLC**, Ruston, Louisiana – La. R.S. 37: 2160(A)(1)

- b) **JAMES DUGDALE**, Ruston, Louisiana – La. R.S. 37:2175.3(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offers submitted by JAMES ENTERPRISE, LLC and JAMES DUGDALE. Mr. Dupuy made a motion to accept both settlement offers as presented, which both included a no contest plea. Mr. Weston seconded. The motion passed.

12. **COLMEX CONSTRUCTION LLC**, New Orleans, Louisiana – La. R.S. 37:2158(A)(4), 2 counts

Ms. Evans gave a summary of the allegations. No one was present on behalf of COLMEX CONSTRUCTION LLC. Investigator Steve Chiasson was called to the stand and was sworn in. Mr. Chiasson reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Ms. Evans also provided testimony to the board. Mr. Weston made a motion to find COLMEX CONSTRUCTION LLC to be in violation. Mr. Dupuy seconded. The motion passed. Mr. Weston made a motion to revoke the commercial license for COLMEX CONSTRUCTION LLC, to assess the maximum fine plus \$500 in administrative costs and to issue a cease and desist. Mr. Jones seconded. The motion passed.

13. **BI JIANG LIU**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by BI JIANG LIU. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Weston seconded. The motion passed.

14. **ARBOR RESOURCES, LLC**, Diboll, Texas – La. R.S. 37: 2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer submitted by ARBOR RESOURCES, LLC. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Dupuy seconded. The motion passed.

15. **CULBERTSON CONTRACTORS, LLC**, Brookhaven, Mississippi – La. R.S. 37:2158(A)(4), 2 counts

Ms. Evans gave a summary of the allegations. Jay Culbertson was present on behalf of CULBERTSON CONTRACTORS, LLC and was sworn in. Mr. Culbertson entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells reviewed the exhibit packet. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Culbertson gave a statement to the board. Mr. Badeaux made a motion to assess an administrative penalty of a \$1000 fine plus \$500 in administrative costs. Mr. Jones seconded. The motion passed.

F. **STATUTORY CITATIONS:**

Ms. Evans presented the statutory citations. Mr. Jones made a motion to accept the statutory citations as presented. Mr. Gallo seconded. The motion passed.

G. **APPLICATIONS; ADDITIONAL CLASSIFICATIONS; RECIPROCITY:**

1. Residential Building Report – Mr. Badeaux

- a. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and actions of the **October 16, 2019** Residential Building Subcommittee. (Pages 6-14)

Mr. Badeaux made a motion to approve the additional classifications for residential licenses as listed on the agenda, and Mr. Temple seconded. The motion passed.

Mr. Badeaux made a motion to approve the residential applications as listed on the agenda, and Mr. Gallo seconded. The motion passed.

Mr. Badeaux made a motion to approve the home improvement applications as listed on the agenda, and Mr. Gallo seconded. The motion passed.

- b. Consideration of the actions of the **October 16, 2019** Residential Building Subcommittee.

Mr. Badeaux made a motion to approve and ratify the actions taken at the October 16, 2019 Residential Building Subcommittee meeting and Mr. Temple seconded. The motion passed.

2. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 15-17)

Based on Staff recommendations, Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda. Mr. Weston seconded. The motion passed.

Based on Staff recommendations, Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda. Mr. Weston seconded. The motion passed.

3. Consideration of mold remediation application as listed and attached to the agenda. (Page 18)

Mr. Lambert made a motion to approve the mold remediation application as listed on the agenda, and Mr. Meredith seconded. The motion passed.

4. Consideration of additional classifications as listed and attached to the agenda. (Pages 19-20)

Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Meredith seconded. The motion passed.

5. Consideration of commercial applications as listed and attached to the agenda. (Pages 21-31)

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Meredith seconded. The motion passed.

#### **H. REPORTS:**

1. Staff Reports – Ms. Dupuy stated that a handout was given regarding the Itinerary for the Commercial Meeting on November 21, 2019 to be held at 1:30 p.m.
2. Building Report – Mr. McDuff reported to the board about upcoming changes to the dais in the board room.
3. Legislative/Rules and Regulations Report – Mr. Fenet had no new report.
4. Finance Report – Mr. Dupuy asked for a motion to accept the financial statement for the period ending September 30, 2019 as presented. Mr. Gallo made a motion to accept the financial statement for the period ending September 30, 2019 as presented. Mr. Weston seconded. The motion passed.

#### **ADJOURNMENT**

Mr. Weston recognized and congratulated Ms. Hotard, who was recently elected the next president for St. John the Baptist Parish. Mr. Weston made a motion to adjourn at 11:00 a.m., and Mr. Gallo seconded. The motion passed.

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Lee Mallett, Chairman

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Byron E. Talbot, Secretary